

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Kimberly E Allen
Debtor(s)

Bankruptcy Case No.: 18-20772-GLT
Issued Per 10/18/2018 Proceeding
Chapter: 13
Docket No.: 57 – 54
Concil. Conf.: January 10, 2019 at 01:30 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated September 9, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jan. 10, 2019 at 01:30 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☒ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Claim No. 9 of PWSA and Claim No. 2 of PA Rev .
- ☒ H. Additional Terms: The secured claim(s) of the following Creditor(s) shall govern as to claim amount, to be paid at the modified plan terms: Claim No. 1–2 of Credit Acceptance.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: October 18, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Kimberly E Allen
 Debtor

Case No. 18-20772-GLT
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
 Form ID: 149

Page 1 of 2
 Total Noticed: 48

Date Rcvd: Oct 18, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 20, 2018.

db +Kimberly E Allen, 1203 Margray Street, Pittsburgh, PA 15207-2236
 cr +City & School District of Pittsburgh, Goehring, Rutter & Boehm,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219,
 UNITED STATES OF AMERICA 15219-6101
 cr +Credit Acceptance Corporation, 25505 W. 12 Mile Road, Suite 3000,
 Southfield, MI 48034-8331
 cr +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 cr +Pittsburgh Water & Sewer Authority, Goehring, Rutter, and Boehm,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219,
 UNITED STATES 15219-6101
 cr +Township of Cecil, Goehring, Rutter & Boehm, 437 Grant Street, Frick Building,
 Pittsburgh, PA 15219, UNITED STATES 15219-6002
 14783859 +AES/PHEAA, P.O. Box 8147, Harrisburg, PA 17105-8147
 14783860 American Express, c/o Becket and Lee, LLP, P.O. Box 3001, Malvern, PA 19355-0701
 14783861 +American Home Patient, P.O. Box 927161, Philadelphia, PA 19182-0001
 14783863 +BYL Collection Service, LLC, 301 Lacey Street, West Chester, PA 19382-3727
 14814842 +City & School District of Pittsburgh, Goehring, Rutter & Boehm,
 c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building,
 Pittsburgh, PA 15219-6101
 14783864 +Commonwealth of Pennsylvania, Office of Attorney General, Collections Unit,
 14th Floor, Strawberry Square, Harrisburg, PA 17120-0001
 14783865 +Credit Acceptance Corporation, 25505 West 12 Mile Road, Suite 3000,
 Southfield, MI 48034-8331
 14783866 +Credit Acceptance Corporation, 25505 West Twelve Mile Rd, Suite 3000,
 Southfield, MI 48034-8331
 14795827 ECMC, PO BOX 16408, St Paul, MN 55116-0408
 14783869 ECMC, PO Box 16478, St Paul, MN 55116-0478
 14783872 +Invision Human Services, 12450 Perry Highway, Wexford, PA 15090-7387
 14783876 +Peoples Natural Gas, P.O. Box 644760, Pittsburgh, PA 15264-4760
 14783877 +Peoples Natural Gas, Attn: Cash Management Dept., 375 North Shore Drive, Suite 600,
 Pittsburgh, PA 15212-5866
 14801060 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 North Lincoln Avenue,
 Pittsburgh, PA 15233-1828
 14814847 +Pittsburgh Water & Sewer Authority, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101
 14783878 +Pittsburgh Water & Sewer Authority, c/o Goehring Rutter & Boehm,
 437 Grant Street, 14th Floor, Pittsburgh, PA 15219-6101
 14783880 Shop NBC, 6740 Shady Oak Road, Solon, OH 44139
 14783881 +The Law Offices of Gregory Javardian, 1310 Industrial Boulevard, First Floor, Suite 101,
 Southampton, PA 18966-4030
 14814843 +Township of Cecil, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101
 14783882 UPMC Community Medicine, Inc., P.O. Box 382046, Pittsburgh, PA 15250-8046
 14783883 +UPMC Magee Womens Hospital, 2 Hot Metal Street, Pittsburgh, PA 15203-2348
 14783885 +UPMC Physician Services, P.O. Box 371980, Pittsburgh, PA 15250-7980
 14783888 +Verizon Wireless, c/o Portfolio Investments & Recovery, 25 SE 2nd Avenue,
 Miami, FL 33131-1506
 14783889 +Washington County Tax Claim Bureau, 100 West Beau Street, Suite 205,
 Washington, PA 15301-4483
 14783892 +Waste Management Residential, 4836 Brecksville Road, P.O. Box 523,
 Richfield, OH 44286-0523
 14783891 +Waste Management Residential, 1001 Fannin Street, Suite 4000, Houston, TX 77002-6711

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14783862 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Oct 19 2018 02:17:35
 American InfoSource LP as agent for, Verizon, P.O. Box 248838,
 Oklahoma City, OK 73124-8838
 14803072 E-mail/Text: bankruptcy.bnc@ditech.com Oct 19 2018 02:11:08
 Ditech Financial LLC fka Green Tree Servicing LLC, P.O. Box 6154,
 Rapid City, South Dakota 57709-6154
 14783868 +E-mail/Text: kburkley@bernsteinlaw.com Oct 19 2018 02:11:43 Duquesne Light Company,
 411 Seventh Avenue, Pittsburgh, PA 15219-1942
 14783867 +E-mail/Text: kburkley@bernsteinlaw.com Oct 19 2018 02:11:44 Duquesne Light Company,
 c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945
 14783870 E-mail/Text: bankruptcy.bnc@ditech.com Oct 19 2018 02:11:08 Green Tree Servicing, LLC,
 P.O. Box 0049, Palatine, IL 60055-0049
 14783871 E-mail/Text: cio.bncmail@irs.gov Oct 19 2018 02:11:06 Internal Revenue Service,
 P.O. Box 7346, Philadelphia, PA 19101-7346
 14783873 +E-mail/Text: blegal@phfa.org Oct 19 2018 02:11:27 PA Housing Finance Agency,
 211 North Front Street, Harrisburg, PA 17101-1406
 14851593 E-mail/Text: blegal@phfa.org Oct 19 2018 02:11:27 PHFA/HEMAP, 211 NORTH FRONT ST,
 PO BOX 8029, HARRISBURG, PA 17105

District/off: 0315-2

User: dbas
Form ID: 149

Page 2 of 2
Total Noticed: 48

Date Rcvd: Oct 18, 2018

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14783874 E-mail/Text: blegal@phfa.org Oct 19 2018 02:11:27 Pa. Housing Finance Agency,
Attn: Anne C. Klitsch, P.O. Box 15057, Harrisburg, PA 17105-5057
14783875 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Oct 19 2018 02:11:17
Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,
Harrisburg, PA 17128-0946
14783879 +E-mail/PDF: rmscedi@recoverycorp.com Oct 19 2018 02:17:05 Portfolio Investments II LLC,
c/o Recovery Management Systems Corp., 25 SE 2nd Avenue, Suite 1120, Miami, FL 33131-1605
14783884 +E-mail/Text: BankruptcyNotice@upmc.edu Oct 19 2018 02:11:41 UPMC Physician Service,
1650 Metropolitan Street, 3rd Floor, Pittsburgh, PA 15233-2213
14783887 +E-mail/Text: EBNProcessing@afni.com Oct 19 2018 02:11:32 Verizon, c/o AFNI, Inc.,
P.O. Box 3667, Bloomington, IL 61702-3667
14783886 +E-mail/Text: ebn@vativrecovery.com Oct 19 2018 02:11:07 Verizon,
c/o Vativ Recovery Solutions/Palisades, P.O. Box 40728, Houston, TX 77240-0728
14822116 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Oct 19 2018 02:17:22 Verizon,
by American InfoSource LP as agent, PO Box 248838, Oklahoma City, OK 73124-8838
14783890 +E-mail/Text: rmcblknotices@wm.com Oct 19 2018 02:11:41 Waste Management, Bankruptcy Dept.,
2625 W. Grandview Road, Suite 150, Phoenix, AZ 85023-3109

TOTAL: 16

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Ditech Financial LLC
cr Ditech Financial LLC f/k/a Green Tree Servicing LL
cr* +Duquesne Light Company, c/o Bernstein-Burkley, P.C.,
707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
14791374* Pennsylvania Department of Revenue, Bankruptcy Division, PO Box 280946,
Harrisburg PA 17128-0946

TOTALS: 2, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 20, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 18, 2018 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Ditech Financial LLC bkgroup@kmlawgroup.com
Jeffrey R. Hunt on behalf of Creditor Township of Cecil jhunt@grblaw.com, cnoroski@grblaw.com
Jeffrey R. Hunt on behalf of Creditor Pittsburgh Water & Sewer Authority jhunt@grblaw.com,
cnoroski@grblaw.com
Jeffrey R. Hunt on behalf of Creditor City & School District of Pittsburgh jhunt@grblaw.com,
cnoroski@grblaw.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
DMcKay@bernsteinlaw.com
Mary F. Kennedy on behalf of Creditor Ditech Financial LLC f/k/a Green Tree Servicing LLC
mary@javidianlaw.com, tami@javidianlaw.com
Michael S. Geisler on behalf of Debtor Kimberly E Allen m.s.geisler@att.net,
msgeis@yahoo.com;michaelgeisler13@gmail.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
Equitablebankruptcy@peoples-gas.com;srk@sjwpgh.com
William E. Craig on behalf of Creditor Credit Acceptance Corporation ecmail@mortoncraig.com,
mhazlett@mortoncraig.com;mortoncraigecf@gmail.com

TOTAL: 11